United Nations A/C.3/64/SR.31

General Assembly
Sixty-fourth session

Official Records

Distr.: General
4 December 2009

Original: English

Third Committee

Summary record of the 31st meeting
Held at Headquarters, New York, on Tuesday, 27 October 2009, at 3 p.m.

Chairperson: Mr. Rastam (Vice-Chairperson) ..... (Malaysia)
later: Mr. Penke (Chairperson) ..... (Latvia)

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In the absence of Mr. Penke (Latvia), Chairperson, Mr. Rastam (Malaysia), Vice-Chairperson, took the Chair.

The meeting was called to order at 3:05 p. m.

Agenda item 69: Promotion and protection of human rights (*continued*) (A/64/81)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/64/159, 160, 170, 171, 175, 181, 186, 187, 188, 209, 211, 211/Corr. 1, 213, 213/Corr.1, 214, 216, 219, 226, 255, 256, 265, 272, 273, 279, 289, 290, 293, 304, 320 and 333)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/64/318, 319, 319/Corr.1, 224, 328, 334 and 357)

1. **Mr. Okuda** (Japan) said that his country continued to support the efforts of States to promote human rights, taking into account the history, tradition and culture of each. The progress made by the Government and people of Cambodia in human rights and democratization was particularly encouraging. He welcomed the recent achievements in enhancing the rule of law, including the general elections of 2008, and the adoption of the Criminal Code and the National Disability Act. Japan supported the Khmer Rouge trials, to which it had extended financial and human resources. The recent adoption through dialogue and cooperation of a Human Rights Council resolution on technical assistance and capacity-building in Cambodia was also welcome.

2. The resettlement of internally displaced persons in Sri Lanka must be addressed as a matter of urgent priority. He encouraged the Government of Sri Lanka to work closely with international organizations and donors. The Government's efforts with regard to human rights issues should be more widely publicized. Japan would cooperate with all other actors in that area.

3. Bilateral efforts on dialogue and development assistance could complement the work of multilateral institutions. Japan had undertaken dialogue on human rights with over ten countries, particularly in Asia. He welcomed the trend within the Association of South-Eastern Nations (ASEAN) towards cooperative democratization, and in particular the establishment of the ASEAN Intergovernmental Commission on Human Rights.

4. Country-specific special procedures mandates should complement the universal periodic review of the Human Rights Council. Especially where there were continued, systematic and serious human rights violations, special procedures mandate holders should play the greatest possible role in improving the situation.

5. His delegation was deeply concerned at the systematic and serious human rights violations in the Democratic People's Republic of Korea, which had been documented by the Special Rapporteur on human rights in that country. The infringement of the right to food, particularly for children, and the punishment of citizens returning from abroad were particularly worrying. In August 2008, Japan and the Democratic People's Republic of Korea had concluded an agreement on the issue of abductions. Its representative had given assurances to that effect before the Committee at its sixty-third session. However, there had been no developments since that time. Japan would respond positively to any action taken in good faith.

6. Japan deeply regretted the sentencing of Daw Aung Sang Suu Kyi in August 2009. At the same time, it welcomed the release of over one hundred political prisoners and the resumption of dialogue between the Government and Daw Aung Sang Suu Kyi. Japan urged the Government of Myanmar to release all political prisoners and take positive steps to promote fully inclusive democratization ahead of the 2010 general elections.

7. **Mr. Abdelaziz** (Egypt) said that the establishment of the Human Rights Council and the universal periodic review had heralded a non-confrontational and non-selective approach to the issue. However, certain parties sought to take ownership of the question and impose a new, non-consensual understanding of human rights. They accused the Council of focusing on specific issues, whereas it had thus far succeeded in eschewing narrow factionalism. Those parties sought to impose their own values as universal standards. In particular, they wished to limit the debate to civil and political rights, whereas economic, social and cultural rights were a priority for developing States.

8. The right to development was a fundamental one. Developing States must gain a greater representation in

international decision-making, and especially in the Bretton Woods institutions. United Nations agencies should rely on the regular budget rather than voluntary contributions, and should work to eliminate the gap between North and South. Development assistance should come without conditionalities.

9. The balance between the United Nations institutions should be restored. The General Assembly and the Economic and Social Council were responsible for supervising the Human Rights Council, special procedures mandates and treaty bodies. The Security Council should not be used as a means to politicize human rights issues. The Third Committee was the organ of the General Assembly mandated to discuss human rights issues; that role must not be circumvented, nor should country-specific resolutions be used to bypass the Human Rights Council. The practice of appointing officials to development missions in order to monitor human rights existed only for developing States, and was therefore not equitable.

10. The 2005 World Summit Outcome contained in General Assembly resolution 60/1 had asserted that human rights were primarily the responsibility of national governments. The General Assembly should continue to work towards a comprehensive definition of the responsibility to protect, and should address the topic of human security through capacity-building. That implied increasing the budget of country offices of the United Nations High Commissioner for Human Rights, correcting the geographic imbalance in staff distribution, striking a balance between the regular budget and voluntary contributions, and reducing dependence on earmarked funds.

11. Extremism, discrimination and xenophobia were closely connected to the defamation of religion and religious symbols, and must be combated. Egypt, together with the United States of America, had recently submitted a resolution on that issue to the Human Rights Council. The media had a responsibility to foster respect for cultural diversity. Members of all religions had a right to practise their faith without restriction. In the same way, human rights must be respected in counter-terrorism efforts.

12. Egypt was fostering the role of civil society and the private sector in the democratic process. Constitutional amendments had been adopted in order to balance the powers of the President and Government, while increasing the supervisory responsibility of Parliament. Measures had been taken to strengthen the judiciary. State security courts had been eliminated, as had prison sentences that included hard labour. A counter-terrorism law was being considered with a view to replacing the Emergency Law. A quota of parliamentary seats had been reserved for women, who were increasingly active in public life. A National Human Rights Council and a parliamentary committee had been established. Egypt looked forward to undergoing the universal periodic review in 2010.

13. **Ms. Velichko** (Belarus) said her country was deeply committed to fundamental values such as freedom, justice, human well-being and dignity, social guarantees and the elimination of poverty, and it pursued policies both nationally and internationally to realize them. It always favoured a non-confrontational approach to human rights, and condemned violations of any kind. The question of observance of human rights standards must be grounded in the political, social, religious and cultural features of each country, so that dialogue could take place in a climate of mutual respect. Her delegation had therefore proposed General Assembly resolution 61/232 entitled "Promotion of equitable and mutually respectful dialogue on human rights". The United Nations had an effective mechanism for monitoring human rights in all countries, and she welcomed the results of the universal periodic review mechanism of the Human Rights Council. In addition to analysing the human rights situation in countries on the basis of constructive and mutually respectful dialogue, it encouraged governments to work for improvements in their national human rights protection machinery and to take a responsible approach to solving human rights problems. It was important to preserve an atmosphere of trust and cooperation within the review.

14. The role of the special thematic rapporteurs of the Human Rights Council was to develop constructive collaboration between the human rights protection machinery of the United Nations and the Member States. In that context, the Government of Belarus had received a visit from the Special Rapporteur on trafficking in persons, especially in women and children in May 2009. Belarus intended to strengthen its cooperation with the other Special Procedures Mandate-Holders of the Human Rights Council. It had also begun a constructive dialogue with the European Union on human rights: a project called "Promotion of a wider application of the international human rights

standards in the administration of justice in Belarus", conducted jointly with the European Union, the United Nations Development Programme (UNDP) and the United Nations Children's Fund (UNICEF), had just been completed.

15. **Ms. Juul** (Norway) said that gender equality continued to be denied in many parts of the world. The empowerment of women, which was closely correlated with growth and prosperity, depended on systematic policies. Sexual violence had only recently become punishable as a war crime, a crime against humanity and, at times, an act of genocide. The international community must continue to combat rape, sexual assault, female genital mutilation, so-called honour crimes and domestic violence. Legal protection had little impact if victims lacked the means to seek justice, or if those responsible for law enforcement failed to take action. Moreover, laws restricting women's freedom of movement, property and inheritance put women at risk of abuse.

16. The empowerment of women was a top priority for her Government. Several countries had made commitments on the topic in the context of the universal periodic review mechanism. Norway's national report, which would be examined in December 2009, took a self-critical look at such challenges as domestic violence and gender equality.

17. Freedom of expression was a cornerstone of democracy, even in the most diverse societies. Stifling debate in the name of cultural sensitivity would not help marginalized communities.

18. Human rights defenders fulfilled a vital role, and deserved the strongest support. Norway was disturbed at the alarmingly high numbers of internally displaced persons, and welcomed the adoption on 23 October of the African Union Convention on the Protection and Assistance of Internally Displaced Persons.

19. No country was free of human rights violations. To uphold the legitimacy of the universal framework, each country should reflect critically on its own record and listen to constructive criticism.

20. **Ms. Dunlop** (Brazil) said that challenges such as the current economic and financial crisis impeded the enjoyment of human rights. The Committee must not forget that human beings were the focus of its efforts. Its work should therefore be pursued without distinction or discrimination of any kind, and must lead to tangible results. There was no hierarchy of human rights, which were universal, indivisible, interdependent and interrelated.

21. Dialogue, negotiation and cooperation were useful means to ensure engagement. The Human Rights Council had a fundamental role to play: it represented all of its Member States, with their diverse viewpoints and experiences. Its resolutions and decisions were a reference for the work of the Committee.

22. The Council had shown that it could open a dialogue between all Member States through the universal periodic review mechanism, which should be improved and strengthened at the forthcoming institutional review. She appreciated the opportunity for interactive dialogue with special procedures mandate holders and with the chairpersons of human rights treaty bodies and working groups. Brazil had since 2001 extended a standing invitation to all special procedures mandate holders to visit the country.

23. *Mr. Penke (Latvia), Chairperson, took the Chair.*

24. **Mr. Örnéus** (Sweden), speaking on behalf of the European Union; the candidate countries Croatia and the former Yugoslav Republic of Macedonia; the stabilization and association process countries Albania, Bosnia and Herzegovina and Montenegro; and, in addition, Iceland, said that the General Assembly could not stay silent in the face of human rights violations, which required collective action. In accordance with the concept of responsibility to protect, as defined at the 2005 World Summit, each State had a responsibility to protect its civilian population from mass atrocities.

25. The European Union was willing to discuss those situations in a frank and open dialogue with the concerned States, and would continue to seek broad, cross-regional support at the General Assembly. To that end, the European Union would submit draft resolutions on the human rights situations in Burma/Myanmar and the Democratic People's Republic of Korea. The dire human rights situation in Burma/Myanmar had not improved.

26. **Mr. Aye** (Myanmar), speaking on a point of order, recalled that the Chairperson had on previous two occasions reminded representatives to use the official name of Myanmar. He asked the Chairperson to request that the representative of Sweden do the same.

27. **The Chairperson** reminded all delegations to use the official names of countries, including adjectival forms, when referring to Member States.

28. **Mr. Örnéus** (Sweden) said the population of Myanmar continued to be severely restricted in their freedom of expression, assembly and association. Dissidents continued to be arrested. Over 2,000 remained in detention, and only a few had been released as a result of pardons earlier that year. Members of minorities suffered discrimination, forced labour and other abuses. The trial of Daw Aung Sang Suu Kyi was unjustified. The European Union urged the authorities to release her and all other political prisoners, whose full participation in the political process was a necessary condition for the 2010 elections to be credible. The authorities should cooperate with the relevant United Nations mechanisms, and in particular the Special Rapporteur.

29. In the Democratic People's Republic of Korea, grave and systematic violations of civil, political, economic, social and cultural rights continued to take place. The European Union called on the North Korean authorities to cooperate with the relevant United Nations mechanisms, including the Special Rapporteur. The punishment inflicted on North Koreans who tried to leave the country continued to cause concern, as did the situation of North Korean refugees. He appealed to all countries to respect their obligations under international law, including refugee law.

30. **Mr. Pak** Tok Hun (Democratic People's Republic of Korea), speaking on a point of order, said that it was surprising and frustrating that the representative of Sweden, an ambassador, did not appear to know the name of the Democratic People's Republic of Korea, which he had referred to three times as North Korea. He asked the Chairperson to request that delegations use his country's official name.

31. **The Chairperson** reminded all delegations to use the official names of countries, including adjectival forms, when referring to Member States.

32. **Mr. Örnéus** (Sweden) said that growing and systematic human rights violations continued to take place in Darfur. The European Union urged the Government of the Sudan to bring those responsible to justice and cooperate fully with the International Criminal Court. Elsewhere in the country, the repression of human rights defenders had continued. The death penalty continued to be applied, including to minors. While taking note of the positive decision to lift press censorship, the European Union encouraged the Government to work to establish an enabling environment for the 2010 elections. The authorities should remove restrictions on freedom of expression, assembly and association. The European Union called on the Government in southern Sudan to protect its population against the attacks of tribal militias and the Lord's Resistance Army.

33. In Zimbabwe, the new Inclusive Government had an opportunity to bring the country back to democracy. However, the European Union was concerned at reports of arbitrary arrests and detention and lack of freedom of expression. Human rights defenders, journalists, teachers, lawyers, farmers and diamond miners suffered threats and intimidation. Unjustified legal measures had been taken against members of Parliament. The European Union called on the Inclusive Government to deliver media reform, ensure freedom of assembly and expression, and end all forms of torture and incommunicado detention.

34. The European Union condemned the violence following the elections in the Islamic Republic of Iran on 12 June 2009. It was deeply troubled by the high number of arrests and the possible use of torture and excessive force, and called for the release of all political prisoners. The rights to due process and to freedom of expression and assembly were guaranteed under the International Covenant on Civil and Political Rights, to which the country was a party. Official sources had confirmed that three individuals had been sentenced to death at mass trials. A high number of executions, including of minors, continued to take place. The situation of members of the Baha'i faith and other religious minorities remained serious.

35. In Sri Lanka, there had been reports of arbitrary arrests and detention, lack of freedom of expression, and intimidation of human rights defenders and journalists. The European Union called for an independent and credible investigation into those allegations. Internally displaced persons must immediately be granted freedom of movement. Their camps must be transferred to civilian control, with unfettered access for United Nations and aid agencies. The European Union was prepared to continue to work with the Government of Sri Lanka for an inclusive process of political reconciliation.

36. In Belarus, civil society representatives and lesbian, gay, bisexual and transgender persons continued to be intimidated. The European Union remained concerned at the restrictive 2008 media laws, and called on the Government to lift all restrictions on freedom of expression. The European Union regretted the continued existence of the death penalty in Belarus.

37. The European Union called on the authorities in Uzbekistan to free all human rights defenders and prisoners of conscience; allow unimpeded access of non-governmental organizations to the country; cooperate fully with United Nations Special Rapporteurs; guarantee freedom of speech and the media; fully align the electoral process with commitments as a Member of the Organization for Security and Cooperation in Europe; and implement the conventions on child labour which it had ratified. At the same time, the decision in 2008 to abolish the death penalty in Uzbekistan was a positive one.

38. The European Union was concerned at remaining human rights deficiencies in Afghanistan. The authorities must ensure the full enjoyment of human rights by women and the Shia minority, both in practice and by repealing discriminatory legal provisions.

39. The European Union called on the Government of Pakistan to fully guarantee the fundamental rights of all citizens in accordance with the Constitution and international standards. The rights of vulnerable groups such as women, children and minorities needed particular protection. The European Union was concerned at recent attacks on members of the Christian community in Punjab, and urged the authorities to swiftly bring those responsible to justice. Pakistan must fulfil its commitments under the International Covenant on Civil and Political Rights and establish a national human rights commission.

40. Human rights were persistently denied in Cuba. The European Union renewed its appeal to the authorities to free all political prisoners and human rights defenders and to lift restrictions on the freedom of expression and association. The European Union welcomed the fact that Cuba had in 2008 signed the core human rights instruments established in 1966. It called on the Cuban authorities to ratify those covenants without any reservations contrary to their purpose and spirit, to keep any declarations and reservations to a minimum, and to fully honour their obligations under the covenants.

41. The European Union highlighted its concern at human rights violations in Honduras since the removal of President Zelaya on 28 June 2009, including restrictions on freedom of the press and association, arbitrary detentions and threats to human rights defenders. It called on all parties to work towards a swift, peaceful, negotiated resolution to the crisis, and a return to democratic constitutionality.

42. Despite some progress in economic, social and cultural rights, there were serious shortcomings in the human rights situation of Saudi Arabia. The extensive use of the death penalty caused particular distress. The European Union called on the authorities to allow women to vote in the 2010 municipal elections; remove restrictions on the freedom of expression, assembly and association; and ensure the freedom of religion or belief.

43. The Special Rapporteur on extrajudicial, summary or arbitrary executions had reported on continuing violence between the Army and armed groups in the Democratic Republic of the Congo. Two recent reports of the High Commissioner for Human Rights had detailed serious violations of human rights and international humanitarian law. The European Union welcomed further visits to that country by special rapporteurs, and called on the authorities to intensify the fight against impunity.

44. The European Union condemned the repression of political demonstrations in Conakry, Guinea on 28 September 2009, which had included indiscriminate and brutal violence and sexual violence against women. The authorities must immediately conduct a thorough investigation, and cooperate with the mission led by the United Nations Assistant Secretary-General, as well as with the future United Nations inquiry commission. The authorities must urgently allow for a return to democracy and the constitutional order.

45. Civil society, democratic institutions and civil and political rights continued to be eroded in Fiji. The Constitution had been abrogated, and the judiciary dismissed. Key rights were not being upheld. The European Union called on the leadership to take urgent measures to restore respect for human rights and the rule of law, making swift progress towards elections.

46. **Mr. Ali** (Malaysia), speaking on behalf of ASEAN, said that on 23 October 2009, the fifteenth ASEAN Summit in Cha-am Hua Hin, Thailand, had inaugurated the ASEAN Intergovernmental Commission

on Human Rights. The Commission was a milestone in the community-building process, and he was grateful to Japan for its support. The Commission had been established pursuant to chapter 14 of the Charter of ASEAN, which had entered into force on 15 December 2008. Its purposes included promoting and protecting the human rights and fundamental freedoms of the peoples of ASEAN, and upholding their right to live in peace, dignity and prosperity.

47. The Commission would promote human rights at the regional level, taking into account the balance between rights and responsibilities, and bearing in mind national and regional particularities and mutual respect for different historical, cultural and religious backgrounds. In so doing, it would complement national and international efforts and uphold international standards.

48. The Commission recognized the universality, indivisibility, interdependence and interrelatedness of all human rights as well as objectivity, non-selectivity and the avoidance of double standards and politicization. It recognized that primary responsibility for the protection of human rights lay with Member States, and would pursue a constructive and non-confrontational approach. ASEAN looked forward to establishing a commission on the promotion and protection of the rights of women and children at its sixteenth summit in 2010.

49. **Mr. Posner** (United States of America) said that in discussing human rights at the Committee and Human Rights Council, his country was guided by fidelity to the truth, a commitment to principled engagement and a desire to apply international human rights standards consistently. The United States would therefore not ignore serious human rights abuses, including those committed on its own soil. Country-specific resolutions were one way for governments to show collective will. They provided space for human rights defenders to carry out their work, and offered monitoring mechanisms and recommendations.

50. Persistent human rights abuses had taken place in the Islamic Republic of Iran. Political repression targeted religious and ethnic minorities, women, labour union organizers, student activists, journalists and bloggers. The post-election protests of 2008 had been met with violence, intimidation, arrests without due process and forced confessions. The sentencing of the Iranian-American scholar Kian Tajbakhsh showed the country's failure to uphold the safeguards contained in its own Constitution and in the International Covenant on Civil and Political Rights. Burma remained one of the most repressive countries in the world.

51. **The Chairperson** reminded all delegations to use the official names of countries when referring to Member States.

52. **Mr. Posner** (United States of America) said that the military Government in that country denied a free press and independent judiciary, and restricted civil society. Ethnic minority groups were often subjected to torture, forced labour and relocation. Daw Aung Sang Suu Kyi had recently been sentenced to an additional 18 months under house arrest. The people of North Korea continued to suffer gross human rights abuses.

53. **The Chairperson** reminded all delegations to use the official names of countries when referring to Member States.

54. **Mr. Posner** (United States of America) said that the Government there denied its citizens fundamental freedoms and attempted to control all information. Defectors estimated that hundreds of individuals were held in harsh prison camps. There were continuing reports of forced labour, torture, forced abortions and public executions without due process. He urged the General Assembly to pass strong resolutions on all three of the countries to which he had referred.

55. In order to promote principled engagement, the United States was committed to seeking cooperative approaches wherever possible. It was encouraging that such States as Haiti, Cambodia and Somalia had worked with the Human Rights Council on consensus resolutions. He called on all States to support the Office of the High Commissioner for Human Rights. Even when the Office addressed the shortcomings of the United States, the latter remained its largest donor. In order to bridge differences, his country had worked with Egypt on a Human Rights Council resolution on freedom of expression, which had been adopted without a vote.

56. In seeking to apply international standards consistently, the United States aimed to lead by example. President Obama had therefore decided to end abusive interrogations, close the detention facility at Guantanamo, and review security detention policies.

57. Religious freedom continued to be challenged in many countries. His Government was working with

other governments and with civil society to ensure that the right to believe and not believe was respected. At the same time, it was concerned at the concept of defamation of religions, which had been used to criminalize legitimate expression. Instead of prohibiting offensive speech, governments should develop effective legal remedies to address acts of discrimination. Policies on education and intercultural dialogue could help combat hatred and promote tolerance.

58. **Ms. Nguyen Cam Linh** (Viet Nam) said that the Government of Viet Nam had always been committed to the promotion and protection of human rights. Economic, political, civil, social and cultural rights were equally important and should be implemented comprehensively. Human rights were universal in essence, but were most effectively promoted by taking into account local values and specific historical, political, economic and social conditions.

59. Her Government had in recent years amended the Constitution and enacted dozens of new laws in order to build a socialist State founded on the rule of law. Strategies were in place to encourage socio-economic development and legislative and judicial reform. A series of measures had raised living standards, fostered political participation, and strengthened civil, social and cultural rights. Per capita income had increased from under $200 in 1990 to $1,024 in 2008, while poverty rates had dropped from 58.1 per cent in 1993 to 14.82 per cent in 2007. Viet Nam had guaranteed the right to food and fulfilled the Millennium Development Goal of poverty reduction ahead of schedule. Specific policies had been enacted to protect women, children, members of ethnic minorities, persons living with HIV/AIDS, and disabled persons, including the victims of landmines and Agent Orange.

60. Viet Nam was a party to most core international human rights treaties, including the Convention on the Rights of Persons with Disabilities, and had ratified 17 conventions of the International Labour Organization. Her country supported the Human Rights Council and United Nations human rights mechanisms. Its report to the Human Rights Council had been submitted in 2009. Viet Nam was also involved in a number of regional and bilateral human rights initiatives. No country had a perfect record, and Viet Nam had emerged from a destructive war only 34 years earlier. Nevertheless, the country's progress had been remarkable.

61. **Mr. Tan** Eng Tat (Singapore) said that progress on human rights would require accommodation and understanding; the diversity of the United Nations membership could not be wished away. While diversity was no defence for human rights violations, neither should it be simply overlooked. An approach from a standpoint of humility and accommodation was more helpful than divisive language. Because each country had its unique historical and cultural context, notions of human rights were also different. Even within a given country, there were differing views on such issues as the rights of the unborn or the treatment of migrant labourers, for example.

62. Economic development, which was a necessary foundation for the advancement of human dignity, relied on order and stability. Rights must be balanced with responsibilities, and the rights of society should be as important as those of the individual. The balance should be determined by each State according to its level of development. As it continued on its own path, Singapore would not seek to impose its views on others. The Committee should aim to work for the welfare of humanity, and not to score debating points. A pragmatic approach to human rights should build on common ground, but countries should agree to disagree where necessary.

63. **Ms. Pérez Álvarez** (Cuba) said that the future could be built only on the basis of sincere cooperation and mutual respect, and especially in view of the economic crisis, her delegation had hoped that the Committee's discussions would be grounded on those principles. Yet certain capitals of the global North continued to view the South with arrogance and disdain. The statement made by the representative of Sweden on behalf of the European Union was a case in point. The principle of self-determination ought to be the cornerstone of international action. The variety of cultures, approaches and political and economic systems was a valuable resource. Any attempt to subjugate that variety with models developed in the North, the centre of transnational capital, was a gross injustice.

64. Many States in the North acted as though the question of human rights existed for their own convenience. The Committee had heard unilateral, selective and slanderous statements, which were motivated by political greed — as though anyone had asked those States for their advice. The States of the South were constantly under accusation, and would not

sit idly by. The South would take a stand and energetically denounce the human rights violations that had been inflicted on it for several centuries.

65. The European Union was nostalgic for its historical conquests and its supposed civilizing mission. It had listed countries such as Cuba which, as former imperial possessions, had been subjected to forced assimilation policies. Emigrants to the European Union suffered from violence and the rise of fascist and xenophobic parties. Many member States of the European Union had been used by the United States Central Intelligence Agency as transit countries for rendition and torture. The States that had taken the world into its worst international financial crisis, and were responsible for chronic and structural underdevelopment, were hardly in a position to preach.

66. The accusations against Cuba were slanderous and entirely false. The individuals mentioned were in the pay of foreign powers. By seeking to undermine the country's elected and constitutional order, they violated the right of the Cuban people to self-determination. The Committee should not tolerate such hypocrisy and manipulation, and should not accept the abuse levelled at the Human Rights Council. There had been more than enough lies. Instead, the Committee should defend genuine cooperation and dialogue based on mutual respect, objectivity, impartiality and non-selectivity.

67. **Mr. Mamdouhi** (Islamic Republic of Iran) said that cultural diversity, human rights and international cooperation were recurring themes on the international agenda. Globalization promoted the interaction of different cultures but also underscored differences between cultures, leading to confrontation between cultures that threatened international solidarity and cooperation. He regretted attempts by some, convinced of the supremacy of their political and cultural views, to impose those views on others. In the area of human rights that mindset had led to selectivity in the application of human rights instruments.

68. The international community must remedy that situation by confronting such challenges in a constructive manner with a view to bridging differences. The Non-Aligned Movement, unique in its cultural, economic and political diversity, was well placed to carry out that task and help lay the foundations for an inclusive world order. In that context he recalled the Non-Aligned Movement Ministerial Meeting on Human Rights and Cultural Diversity held in Tehran, in September 2007. Participants had adopted the Tehran Declaration and Programme of Action on mainstreaming human rights and cultural diversity into the Movement's activities. A Non-Aligned Movement Centre for Human Rights and Cultural Diversity had been established in Tehran to serve as a focal point for enhancing cooperation and dialogue among Non-Aligned Movement member States as well as with other United Nations Member States. With the support of the Minister for Foreign Affairs of the Islamic Republic of Iran, it had undertaken initiatives on human rights and cultural diversity, for example: publication of a book about the Tehran Ministerial Meeting; drafting of a book on member States' positions on the issue of cultural diversity; and creation of a website describing the centre's activities.

69. **Mr. McLay** (New Zealand) said that since the adoption of the Universal Declaration of Human Rights, member States had freely made a commitment to promote and protect the human rights of their people. His Government continued to work to build a truly free and equal society and had welcomed the opportunity to participate in the Human Rights Council universal periodic review process. The Third Committee likewise had an important role to play in highlighting human rights abuses with a view to giving hope to those whose rights were being violated.

70. He deplored the systematic human rights violations in the Democratic People's Republic of Korea, whose self-imposed isolation exacerbated the human rights and humanitarian situation of its people. He called on the Democratic People's Republic of Korea to invite the Special Rapporteur on the situation of human rights in that country to visit as a first step in establishing a dialogue with the international community. His Government would nevertheless continue to provide humanitarian assistance through United Nations agencies and the International Committee of the Red Cross without political conditions.

71. He welcomed the establishment of the Association of Southeast Asian Nations (ASEAN) Intergovernmental Commission on Human Rights. His Government closely followed the poor human rights situation in Myanmar and urged the Government to ensure that the 2010 elections were free, transparent and inclusive. In that context he called for the immediate and unconditional release of Daw Aung San

Suu Kyi and all political prisoners. While he welcomed the invitation of the Government of Myanmar to the Special Representative on the situation of human rights in Myanmar, it was time for tangible results from that dialogue.

72. The ongoing human rights situation in Israel and the occupied Palestinian territory was deeply worrying. He called for greater protection of civilians, and for an immediate end to all violence, rocket attacks and settlement building with a view to renewed negotiations on a two-State solution. In the short term, border and movement restrictions into the Gaza Strip should be eased to allow the entry of essential goods. His delegation believed that the issues raised in the report of the United Nations Fact-Finding Mission on the Gaza Conflict required serious consideration and called on all parties to urgently undertake independent investigations into the human rights and other issues in the lead-up to and during the Gaza war.

73. He expressed concern at the human rights violations in Iran following the presidential election in June. It was unacceptable that Iran discriminated against ethnic and religious minorities and applied the death penalty to minors. Protection of the rights of women was a priority for his delegation and he called for full implementation of the Convention on the Elimination of All Forms of Discrimination against Women. His delegation continued to have reservations about Afghanistan's Shia personal status law, despite recent amendments and urged the Government of Afghanistan to bring its legislation into conformity with the Convention.

74. His delegation had cautiously welcomed the power-sharing agreement in Zimbabwe between the Movement for Democratic Change (MDC) and the Zimbabwe African National Union-Patriotic Front (ZANU-PF) but was concerned at the slow progress of political reform and called on all parties to adhere to implement the Global Political Agreement. The need for a government committed to political and economic reform, human rights and the rule of law has never been greater.

75. As a long-standing friend of the people of Fiji, his delegation was deeply concerned at the deteriorating human rights situation in that country, where the military regime had revoked the Constitution, suspended basic freedoms, targeted opposition leaders and seriously undermined the independence of the judiciary. He reiterated the call made by the Pacific Islands Forum and the Commonwealth for a return to dialogue with the international community and early and free elections.

76. **Mr. Davide** (Philippines) said that respect for human rights was enshrined in the Constitution of the Philippines. His Government's Administrative Order No. 249, commonly referred to as Human Rights Agenda 249, directed Government offices and agencies to strengthen the human rights dimension of their work. That renewed focus on human rights had led to the formulation of the Second National Human Rights Action Plan 2010-2014, which would strengthen alignment of development objectives with human rights obligations and mainstream human rights into all government policies, programmes and projects, making human rights a pillar of good governance. Furthermore, centres for human rights education would be established countrywide to improve current human rights education programmes in schools.

77. His Government took most seriously reports of human rights violations, in particular political killings, and had created agencies for the prompt investigation and prosecution of any allegations. For example, in 2006 it had created an independent commission to look into killings of journalists and political activists; in May 2006 the Department of the Interior and Local Government had created a task force to investigate alleged killings of journalists and political activists; and in February 2007 the armed forces had established a human rights office to investigate human rights cases involving military personnel. The Supreme Court had likewise designated special tribunals to try such cases.

78. The investigations and prosecutions undertaken by those mechanisms were in various stages of resolution. The modest conviction rate had been misconstrued as a shortcoming in the country's justice system, but it was a sign of his Government's adherence to the rule of law and due procedure and desire to avoid rushing to judgement and protect the fundamental rights of the accused, witnesses and complainants. It was important not to remedy human rights violations by committing new human rights violations. Furthermore, his Government, in cooperation with the Philippines Commission on Human Rights, was working to develop a reliable databank on all human rights violation cases.

79. Ensuring the enjoyment of human rights during times of prosperity and peace was a laudable achievement, but the real test was protecting human rights in difficult circumstances, such as conflict and poverty. Even in the context of internal conflicts, counter-terrorism efforts, and poverty and underdevelopment in many parts of the country, his Government continued to respect human rights.

80. When the Philippines had put forward its name for a seat on the Human Rights Council, his Government had pledged to be a good model in terms of its compliance with human rights obligations. Accordingly, it was making a serious effort to meet its reporting requirements under various human rights treaty bodies, and had submitted five reports to treaty bodies in the past year.

81. Turning to the issue of the protection of the human rights of migrants, to which his delegation attached great importance, he stressed that, as highlighted in the United Nations Development Program (UNDP) Human Development Report 2009, fears about migrants taking jobs from or lowering the wages of the local people, or placing an extra burden on public services, were generally exaggerated. Addressing such fears was a necessary step for promoting respect for the human rights of migrants.

82. The Report proposed expanding people's freedoms rather than controlling or restricting their movements. That would be a valuable contribution to maximizing the contributions of migration to both origin and destination countries. Equitable treatment of migrants was not just a matter of fairness, it also increased benefits for destination communities. The Committee should devote greater attention to how the misconceptions relating to migrant workers affected respect for their rights.

83. **Mr. Ali** (Malaysia) underscored his delegation's commitment to the full spectrum of human rights and stressed that human rights must be implemented in a fair and equal manner, with full respect for national, regional and cultural circumstances. Every State had an inalienable right to choose its political, economic, social and cultural systems without interference. Discussion of human rights issues, such as the dichotomy between individual and group rights, or the universality of human rights, was healthy and contributed to promotion of the highest standards of human rights.

84. In an increasingly globalized world, economic, social and cultural rights were just as important as civil and political rights, in particular in the developing countries. Too often, however, political considerations came into play, and efforts to promote human rights seemed to be attempts to impose views on the weak and legitimize specific interpretations of human rights that had not been internationally agreed upon.

85. He was dismayed that some countries continued to pick and choose which rights they highlighted or how those rights should be enjoyed. His Government believed that protection of all human rights was a fundamental principle and worked to create an environment where all citizens could exercise their human rights and fundamental freedoms in an atmosphere of mutual respect and tolerance based on an appropriate balance between individual interests and the interests of the community and the nation.

86. Implementation of civil and political rights could only be fully exercised in a democratic environment. Accordingly, in keeping with its multi-ethnic and multireligious society, Malaysia's Constitution guaranteed fundamental liberties, a fact reflected in the vibrant political discourse in the country and public awareness of those rights. He therefore expressed concern at increased Islamophobia and incitement to racial and religious hatred and deplored the growing trend in intellectual and political circles toward legitimization of defamation of religion.

87. Protests against defamation of religion were not attempts to infringe individual human rights. He called for a balance between freedom of opinion and expression and respect for religions. He therefore welcomed the work being undertaken by the Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards to study the interface between religion and other forms of discrimination.

88. International cooperation for the implementation of human rights must be strengthened in order to ensure that all governments upheld basic standards and respected human dignity. In addressing human rights situations, specific countries should not be targeted or given more emphasis for reasons of political expediency or external pressure. It was clear that member States were increasingly uncomfortable with country-specific human rights resolutions. He therefore welcomed the work of the Human Rights Council, in

particular its universal periodic review mechanism, which had been generally well received and provided a forum for constructive engagement with member States and genuine dialogue and cooperation between countries that might have differing views and systems.

89. Malaysia would continue to promote all human rights at the international and domestic levels. It was currently reviewing its reservations to the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child and would soon ratify the Convention on the Rights of Persons with Disabilities. It was also considering accession to other major international human rights instruments. At the national level it would strengthen its support for the National Human Rights Commission and continue to promote awareness of human rights among all segments of the administration and civil society and strengthen capacity for implementation of international human rights instruments.

90. **Mr. Percaya** (Indonesia) said that the Human Rights Council's universal periodic review mechanism had proven to be a significant tool for the promotion and protection of human rights. Human rights, development and democracy were interdependent. Indonesia's focus on economic development between 1970 and the mid-1990s, to the neglect of political development, had been a prescription for multiple crises; there was a need to strike a balance between economic and political development.

91. Since the mid-1990s, democratic reform had enabled Indonesia to transform itself from a highly centralized to a decentralized, democratic system, which had brought great benefits. Reform had likewise led to the implementation of strategies for the promotion and protection of human rights, where great progress had been made. Indonesia's Third National Action Plan for Human Rights 2010-2014 would promote human rights action plans at the local level and strengthen implementation of international instruments and follow-up of the recommendations of treaty bodies and special procedures.

92. Access to justice was a fundamental element for the effective promotion of human rights. He was pleased to announce the launch in October 2009 of a national strategy on access to justice, which focused on eight priority areas: legal reform, legal assistance, local governments, land and natural resources, and justice for women, children and the poor. At the regional level, he welcomed the decision by the Association of Southeast Asian Nations (ASEAN) to establish an Intergovernmental Commission on Human Rights. In December 2008 his Government had launched the Bali Democracy Forum for the sharing of experiences and best practices in the promotion of democracy in Asia and the Pacific. At the international level, his Government continued its dialogue with other member States and the United Nations human rights special procedures.

93. **Mr. Hadjimichael** (Cyprus) said that his delegation supported the protection of all human rights and unconditional accountability for human rights abuses. The United Nations had succeeded in codifying human rights norms, but it was equally important to ensure that those norms were implemented in a fair and non-discriminatory manner. Since its independence the Republic of Cyprus had relied heavily on the principles of the United Nations in maintaining its independence, sovereignty and territorial integrity. Following the Turkish invasion in 1974, the United Nations had adopted various resolutions expressing the international community's moral and legal support for the Republic of Cyprus.

94. The Turkish occupation of 37 per cent of Cyprus nevertheless continued. The Turkish invasion had resulted in massive violations of human rights, illegal colonization, the destruction of cultural and religious heritage, unlawful expropriation of property belonging to the Greek Cypriot refugees and suffering for families whose relatives were missing and whose fate was still unknown.

95. In addition to a plethora of the United Nations resolutions, the Turkish invasion and military occupation had been condemned several times by the European Court of Human Rights, which had underscored Turkey's responsibility for human rights violations in the territory under its control. The human rights situation in Turkish occupied Cyprus had also been criticized by special procedures of the Human Rights Council.

96. Attempts by the occupying Power to establish large numbers of Turkish nationals in the territory and alter the demographic composition of the island were an obstacle to settlement of the Cyprus problem. Such a transfer of population to an occupied area was a violation of the Geneva Conventions and a war crime

according to the Rome Statute of the International Criminal Court.

97. Some progress had been made in ascertaining the fate of missing persons and he welcomed the efforts of the United Nations Peacekeeping Force in Cyprus (UNFICYP) and the Committee on Missing Persons to identify and return the remains of missing persons. Much remained to be done, however, in that area, and he called on Turkey to implement international norms relating to the investigation of the fate of missing persons.

98. Violations of human rights in Cyprus continued to affect the lives of the Greek and Turkish Cypriot peoples. The previous year, the President of the Republic of Cyprus and the leader of the occupied Turkish territory had undertaken negotiations aimed at resolving the dispute by creating a bicommunity federation. Cyprus was the common homeland of Greek and Turkish Cypriots, not the occupying Power. His Government's goal was to restore the human rights and basic freedoms of all citizens of the Republic of Cyprus, regardless of their ethnic background.

99. **Mr. Babadoudou** (Benin) stressed the importance of the effective enjoyment of human rights for the daily life of people everywhere, and regretted the politicization of efforts to implement fundamental rights and freedoms, which prevented most of the peoples of the world from achieving full enjoyment of their rights. He recalled the focus on human rights in the report of the Secretary-General entitled "In larger freedom: towards development, security and human rights for all" (A/59/2005). The Human Rights Council had been established to respond to the perception that the former Commission on Human Rights had become too politicized and dysfunctional; he therefore deplored the increasing politicization of the work of the Council.

100. His delegation unconditionally supported the Council's efforts to promote the principle of the sovereign equality of States, which was an essential element in the promotion and protection of human rights. He hoped that the upcoming review of the Council would provide an opportunity to streamline its methods of work and further define its mandate with a view to eliminating politicization. That would, however, require member States to act in good faith and show the necessary political will.

101. No State was without reproach in the area of human rights, including with regard to the cultural and religious exceptions that were often evoked. States must recognize that fact in good faith and act accordingly, failing which some the peoples of the world would continue to suffer from lack of health care, insufficient resources, female genital mutilation and other violations of their rights; they would continue to be denied their right to dignity and full participation in society.

102. The time had come to provide the peoples of the world with the means to improve their daily lives. With that in mind, his delegation had introduced General Assembly resolution 62/171 on the international year of human rights learning. Increased awareness of human rights was the foundation for development and empowerment of citizens. Achievement of the Millennium Development Goals was linked to progress in the promotion of human rights and active participation of citizens in the human rights process. Numerous programmes had been established to promote human rights awareness throughout the world. More must be done, however, at the grass-roots level to ensure that everyone everywhere could participate in creating a culture of human rights and in so doing take their destiny into their own hands.

Statements made in exercise of the right of reply

103. **Mr. Pak** Tok Hun (Democratic People's Republic of Korea), in reply to the representative of the United States of America, rejected that delegation's criticisms as preposterous, groundless and politically motivated. Its criticisms were intended to cover up its own crimes, for example, responsibility for the partition of the Korean peninsula and the suffering of generations of its population. It wanted to Americanize the world and had been attacking the Democratic People's Republic of Korea and other developing countries for years. It tried to impose its own values on the developing countries and in so doing hindered their development. Its criticisms were likewise intended to divert the international community's attention from its own record of human rights violations, including racial discrimination, crime and social evils at home and the massacre and torture of innocent people abroad by its armed forces in such countries as Iraq and Afghanistan. He called on the Committee to discharge its original mission and show the political will to curb the reckless attitude of the United States and other Western countries towards the developing countries, which led only to mistrust and confrontation.

104. He rejected the distortions and fabrications in the statement delivered on behalf of the European Union, which, like the United States, promoted its own view of human rights and was attempting to tarnish the image of his country in the eyes of the international community, manipulating human rights to exert pressure and justify the imposition of sanctions with a view to regime and social system change, in conspiracy with the United States. The European Union criticized human rights violations elsewhere but turned a blind eye to human rights abuses by its member States, including armed aggression and occupation of sovereign States, massacre of other countries' nationals, non-protection of asylum-seekers, detainees on death row and impunity for those responsible for such violations, to name only a few.

105. Japan had no right to criticize others when it had been guilty of aggression and armed occupation and the use of 200,000 Korean women as sexual slaves, the worst forms of human rights violations. Such violations should not be condemned in some situations but excused or justified in others. The same standards must be applied equally to powerful and weak States. Geopolitical considerations and the promotion of national interests should not be disguised as the promotion of human rights. He urged the European Union to implement a policy of equal treatment of human rights situations in other countries, regardless of their national system, their bilateral relations or their national interests.

106. **Mr. Katumwe** (Democratic Republic of the Congo) took note of report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (A/64/187) but said that the segment of that report relating to the Democratic Republic of the Congo, which had been based on information hastily assembled during a short one-week mission, was full of inaccuracies and did not truly reflect the situation on the ground. With regard to the issue of impunity, while recognizing that much remained to be done, his Government's recently launched Zero Tolerance initiative to combat corruption and end impunity had begun to bear fruit. Persons accused of atrocities and sexual violence, including members of the armed forces, were systematically prosecuted before the courts for their reprehensible acts. Prisons were being renovated to improve conditions.

107. His Government had shown exemplary cooperation with the International Criminal Court and most of the individuals being prosecuted at the Court were individuals handed over by his Government. As for the case of Mr. Jean Bosco Ntangana, he said that his Government was in the process of reasserting its authority in the east of the country where sexual violence and rape continued to be used as weapons of war. It considered reassertion of its authority to be its priority, in the interests of the population, but had not abandoned its commitment to cooperating with the Court. His Government and the Government of Uganda were working together for a definitive resolution to the problem posed by the Lord's Resistance Army (LRA) with a view to eliminating its subversive influence.

108. Turning to the issue of the Republican Guard, he underscored that the reform of the armed services and police currently under way had the support of his Government's bilateral partners and the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), which surprisingly seemed to have completely escaped the attention of the Special Rapporteur. His Government was committed to ensuring the success of that reform, which would guarantee peace, territorial unity, national sovereignty and stability for the Democratic Republic of the Congo, as well as for the region, by preventing security problems and tension/conflict.

109. **Mr. Hassan** (Sudan) said that he regretted the criticism directed at Sudan by the delegate of Sweden speaking on behalf of the European Union. The human rights situation continued to improve in Sudan, as had been recognized by various United Nations entities, including the Human Rights Council, which had terminated the mandate of its Special Rapporteur on the situation of human rights in the Sudan. That decision paid tribute to his Government's efforts to promote awareness of and respect for human rights and adopt appropriate legislation. Various United Nations reports had likewise recognized the reduction in the number of conflict zones in the country. His Government had established mechanisms in Darfur to protect women against violence, in particular in camps for internally displaced persons, in cooperation with the African Union-United Nations Hybrid Operation in Darfur (UNAMID).

110. He expressed surprise at the reference by the European Union to the execution of minors and recalled that in 2008 the age of criminal responsibility had been raised to 18 and imposition of the death penalty on minors under the age of 18 was prohibited.

He also noted the Presidential amnesty offered to children recruited by the Justice and Equality Movement (JEM).

111. The allegations relating to kidnapping were not valid; the European Union had not tried to contact those responsible for the kidnappings and was fully aware of his Government's efforts to investigate the kidnappings of aid workers. He pointed out that some of the groups responsible for the kidnapping of international aid workers as well as the leaders of some groups opposed to his Government were in fact based in countries of the European Union. His Government was aware of its responsibility to protect civilians, prosecute guilty parties and promote justice. To that end it had strengthened the judiciary by appointing competent judges, as had been acknowledged by other States.

112. **Mr. Mamdouhi** (Islamic Republic of Iran), in reply to the representative of the United States of America and the representative of Sweden, speaking on behalf of the European Union, said that it was disappointing to listen to the European Union's unfair and incorrect description of the situation in Iran, which did not take into account the progress that had indisputably been made in the situation of human rights in Iran. It was regrettable that the Committee's consideration of the agenda item concerning human rights questions was frequently abused by some States, including the European Union and New Zealand, to single out specific developing countries in pursuit of their political agenda.

113. Those States depicted themselves as global advocates of human rights but should not be proud of their own record; they turned a blind eye to human rights violations in their own countries in an ongoing campaign to blame others for human rights violations and perpetuate stereotypes. International bodies, including United Nations human rights mechanisms, had repeatedly expressed concern at racial discrimination, Islamophobia, discrimination against minorities, migrants, human trafficking, discrimination against women and use of torture by the police in European Union member States.

114. The United States, while claiming to be a champion of human rights, repeated the same pattern of human rights violations and discrimination against minorities, immigrants and indigenous peoples. Credible human rights NGOs had criticized ill-treatment of prisoners, including use of cruel restraints and Taser electric shock weapons by the police, which had caused the deaths of nearly 350 people. Thousands of prisoners served long sentences in isolation in high-security prisons where conditions were sometimes tantamount to cruel, inhuman or degrading treatment. Furthermore, United States armed forces committed human rights violations against civilians in Iraq and Afghanistan, including arbitrary arrest, and unlawful killing of innocent civilians, including women and children, in the course of their military operations.

115. **Mr. Tarar** (Pakistan), in reply to the representative of Sweden, speaking on behalf of the European Union, said that the democratically elected Government of Pakistan required no lessons regarding human rights from any other country. His Government was in the process of ratifying the International Covenant on Civil and Political Rights and adopting a bill creating a national human rights commission, as called for in the Principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles); it was following its democratically established procedures in that regard. Pakistan's judiciary was independent and protected the rights of all Pakistani citizens. Many Pakistani human rights experts were of international repute. Pakistan had a very independent and proactive civil society with a free and active media sector.

116. It was unfortunate that the European Union had highlighted issues in the developing world while ignoring human rights violations against its own minorities, including Muslims, Arabs and the Roma. The European Union had failed to mention violations of the human rights of Muslims in the Middle East and South-East Asia, for example in the Occupied Palestinian Territory including Jerusalem, and atrocities committed in the Gaza Strip. The clear double standard and selectivity shown by the European Union raised doubts about the objectivity of its statement.

The meeting rose at 6.10 p.m.